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5	LINITED STATES	DISTRICT COURT	
6	UNITED STATES DISTRICT COURT		
7	SOUTHERN DISTRICT OF CALIFORNIA		
8	LINITED STATES OF AMEDICA	Criminal Casa No. 08mi0122 NI S	
9	UNITED STATES OF AMERICA,	Criminal Case No. 08mj0132-NLS	
	Plaintiff,	DETENTION ORDER	
10	v.	(After Hearing)	
11	MICHAEL DWAYNE TRYALS (8),		
12	aka "Texas Mike", aka Michael Tryls,		
13	aka Dave Brooks, aka Leon Howard Blair,		
14	aka Earl David Hollis,		
15	Defendant.		
16			
	In accordance with § 3142(f) of the Bail	Reform Act of 1984 (18 U.S.C. § 3141 et seq.),	
17	a detention hearing was held to determine whet	her defendant MICHAEL DWAYNE TRYALS,	
18	aka "Texas Mike", aka Michael Tryls, aka Dave Brooks, aka Leon Howard Blair, aka Earl David		
19	Hollis ("Defendant"), should be held in custody pending trial, on the ground that Defendant is a		
20	flight risk. Assistant U.S. Attorney Andrew G. Schopler appeared on behalf of the United States;		
21	Lynn Ball, Esq., appeared on behalf of Defendant.		
22	Based on the evidence proffered by the United States and Defendant, the pretrial services		
23	report, and the criminal complaint, the Court concludes the following: the Government met its		
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burden by a preponderance of the evidence that no condition or combination of conditions will

reasonably assure the appearance of the Defendant as required.

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3	A. Nature and Circumstan
4	1. Defendant is charg
5	base in the form of crack cocaine
6	exists probable cause to believe l
7	2. Because a maxim
8	Controlled Substances Act (21 U
9	combination of conditions will re
10	the community. 18 U.S.C. § 314
11	3. If convicted of th
12	10 years imprisonment. 21 U.
13	enhancement of his mandatory n
14	4. Under the United
15	did not apply, the Base Offense
16	assuming Defendant's criminal
17	Category III, see USSG § 4A1.1, t
18	in prison after trial, or 135-168 n
19	5. In this case, the na
20	B. Weight of the Evidence
21	6. The weight of the
22	wire intercepts indicating that De
23	7. Although this fac
24	believe the Defendant committee
25	//

I.

FINDINGS OF FACT

ces of the Offense Charged [18 U.S.C.§ 3142(g)(1)]

- ged in a criminal complaint with conspiracy to distribute cocaine e, in violation of 21 U.S.C. §§ 846, 841(a)(1). Therefore, there Defendant committed the charged offense.
- um term of imprisonment of 10 years or more is prescribed in the J.S.C. § 801 et seq.), a presumption arises that no condition or asonably assure the appearance of the Defendant or the safety of 2(e).
- is charge, Defendant faces a mandatory minimum sentence of S.C. § 841(b)(1). In addition, Defendant is eligible for an ninimum sentence to 20 years imprisonment.
- States Sentencing Guidelines, even if the mandatory minimum Level would likely be at least 34. See USSG § 2D1.1. Even history score only places Defendant in Criminal History the Guidelines sentencing range for Defendant is 188-235 months nonths in prison, with a -3 for acceptance of responsibility.
 - ature and severity of the offense favors detention.

Against the Defendant [18 U.S.C. \S 3142(g)(2)]

- evidence against Defendant is strong in that there are numerous efendant engaged in drug trafficking.
- tor is to be given the least weight, there is probable cause to the charged offense, which favors detention.

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C. History and Characteristics of the Defendant [18 U.S.C.§ 3142(g)(3)]

- 8. Defendant was born in California in 1964 and is a citizen of the United States.
- Defendant has resided at 745 42nd Street in San Diego, California, for the past year, 9. and he lived for 8 months at a prior address in San Diego County.
 - 10. Defendant has been employed by Just Starr Construction for about 1 year.
- 11. Defendant was convicted of misdemeanor resisting a peace officer in 1982; felony possession of cannabis in 1983; felony possession of a narcotic controlled substance in 1990 (1 year in prison); felony possession of a narcotic controlled substance in 1991 (2 years in prison); felony possession of a narcotic controlled substance in 1995 (16 months in prison); felony possession of cocaine base for sale in 1998 (4 years in prison); and felony transportation of a controlled substance in 2002 (4 years in prison). Defendant has also been arrested for kidnaping, assault with a firearm and shooting into an inhabited dwelling in 1992; and resisting a peace officer in 1996.
 - 12. Defendant has failed to appear for court on at least one prior occasion.
- 13. On at least 3 occasions, Defendant has violated his parole or had his probation revoked.

D. Nature and Seriousness of Danger Posed by Release [18 U.S.C. § 3142(g)(4)]

14. The evidence, if any, that Defendant would pose a danger to any person or the community is as follows: Defendant is charged with a serious drug-trafficking offense; Defendant has been convicted of resisting a peace officer; Defendant has been convicted of several serious drug-trafficking offenses; and Defendant has been arrested for kidnaping, assault with a firearm, shooting into an inhabited dwelling, and resisting a peace officer.

II.

REASONS FOR DETENTION

15. There is probable cause to believe that the Defendant committed the offense charged.

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1	16. Defendant faces a substantial period of time in custody if convicted of the offense	
2	charged in the Complaint; specifically, Defendant faces a potentially substantial mandatory	
3	minimum sentence of imprisonment. Defendant therefore has a strong motive to flee.	
4	17. Defendant has not rebutted the presumption that arises from the Court's finding of	
5	probable cause to believe Defendant committed an offense for which a maximum term of	
6	imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801	
7	et seq.), that no condition or combination of conditions will reasonably assure the appearance of	
8	Defendant at future court proceedings.	
9	III.	
10	<u>ORDER</u>	
11	IT IS HEREBY ORDERED that Defendant be detained pending trial in this matter.	
12	IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney	
13	General or the Attorney General's designated representative for confinement in a corrections	
14	facility separate, to the extent practicable, from persons awaiting or serving sentences or being held	
15	in custody pending appeal. Defendant shall be afforded reasonable opportunity for private	
16	consultation with counsel.	
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1	While in custody, upon order of a court of the United States or upon the request of an	
2	attorney for the United States, the person in charge of the correctional facility shall deliver	
3	Defendant to the United States Marshal for the purpose of an appearance in connection with a court	
4	proceeding or any other appearance stipulated to by counsel for the defense and for the United	
5	States.	
6	THIS ORDER IS ENTERED WITHOUT PREJUDICE.	
7	IT IS SO ORDERED.	
8	DATED: January 29, 2008	
9	Hon. Nita L. Stormes	
10	U.S. Magistrate Judge	
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